

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 20 SEP 2005

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Applicant's or agent's file reference 158152 CL-KR	<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/416
International application No. PCT/NO2004/000218	International filing date (day/month/year) 15.07.2004	Priority date (day/month/year) 15.07.2003	
International Patent Classification (IPC) or national classification and IPC A47C21/02, A47C23/00			
Applicant WONDERLAND AS et Al.			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
  - a. ☐ sent to the applicant and to the International Bureau a total of sheets, as follows:
    - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand  13.05.2005	Date of completion of this report  21.09.2005
Name and mailing address of the international preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  Kus, S  Telephone No. +31 70 340-4154



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/NO2004/000218

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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

**Description, Pages**

1-7 as originally filed

**Claims, Numbers**

1-7 as originally filed

**Drawings, Sheets**

1/2-2/2 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
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International application No.  
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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	1-7
	No: Claims	
Inventive step (IS)	Yes: Claims	4
	No: Claims	1-3,5-7
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

**Re Item V.**

**1.0.** The following documents are referred to in this communication:

D1 : WO 96/28071 A

D2 : US 2003/106157 A

**2.0. INDEPENDENT CLAIM 1**

**2.1.** The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.

**2.1.1.** Document D1, which is considered to represent the most relevant state of the art to the subject matter of claim 1, discloses (the references in parenthesis applying to this document):

a frame mattress comprising a frame (1) with a spring inlay (2) surrounded by the frame, and a material (3) over the spring inlay, together with a reversible mattress (4), arranged for abutting the material (3), and a cover (5) enveloping the reversible mattress (4) and at least partly the frame (1).

**2.1.2.** The subject-matter of independent claim 1 differs from the disclosure of D1 in that:

the material (3) is at least partly detachable and that the spring inlay (2), constituting a principally form-stable unit, is reversibly arranged in the frame (1).

**2.1.3.** The problem to be solved by the present invention may therefore be regarded as how to increase accessibility and/or flexibility.

Without knowing the invention the skilled person starting from D1 would regard this problem as one of several straightforward possibilities.

**2.1.4.** In view of D2 the solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

the feature of "the material at least partly detachable (see D2, fig. 2,4; claims 9,10, par. 37) and the spring inlay (see D2, par. 38 lines 6-8), constituting a principally form-stable unit, (suitable for being) reversibly arranged in the frame (see D2, par. 38 lines 6-8)" are described in document D2 for solving the problem of accessibility and flexibility (see Remark below and D2; fig. 2,4; par. 33, lines: 3,4; par. 37; par. 38 lines 2-7,6-8; claim 9,10).

The skilled person would therefore regard it as a normal option to include this feature in the frame mattress described in document D1 in order to solve the problem posed.

Remark: Document D2 shows two different uses of a removable cover:

- use as a cover for a top mattress (see fig. 3; par. 32)
- use as a cover for a **main mattress** (see fig. 4; par. 33, lines 3,4), said **main mattress** may be:
  - a reversible mattress or
  - a **frame mattress** (see fig. 4, par. 38, line 4)

Accordingly the word **main mattress** use in D1 refers to the **frame mattress**.

**2.1.5.** Therefore the features disclosed in D1 and D2 would be combined by the skilled person, without exercise of any inventive skills in order to solve the problem posed. The proposed solution in independent claim 1 thus cannot be considered inventive (Article 33(3) PCT).

### **3.0. DEPENDENT CLAIMS 2, 3, 5-7**

Dependent claims 2, 3, 5-7 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect inventive step (Article 33(2) and (3) PCT).

### **4.0. DEPENDENT CLAIM 4**

The combination of the features of dependent claim 4 is neither known from, nor rendered obvious by, the available prior art.

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